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Avaya DEMONT & BREYER, LLC 100 COMMONS WAY, STE 250 HOLMDEL, NJ 07733			EXAMINER TRUONG, THANHNGA B	
			ART UNIT 2438	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@dblawn.com

Office Action Summary	Application No. 10/674,288	Applicant(s) BAGGA ET AL.	
	Examiner THANHNGA B. TRUONG	Art Unit 2438	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the communication filed on September 4, 2009. Claims 1-18 and 27-33 are pending. Claims 19-26 are cancelled by the applicant. At this time, claims 1-18 and 27-33 are still rejected.

Response to Arguments

2. Applicant's arguments filed September 4, 2009 have been fully considered but they are not persuasive.

Applicant has argued that:

Schneider does not recite the "generation of a password based on said selected hint.

Examiner respectfully disagrees with the applicant and still maintains that:

Schneider teaches as shown in Figures 2-4 and paragraph [0021-0022] of Schneider, wherein user creates password based on images (i.e., hint), such as tree or beachball shown in Figure 2 or a sandwich, a banana, an apple, and a softdrink as shown in Figure 4, the password will be automatically generated after user finished selecting the images for their password. Although Schneider teaches a method for generating a password for a user (paragraph [0020-0021] of Schneider), Schneider is not clearly shown that the password gets generated automatically based on selected hint or image. Schneider does imply the password will create based on user's selected image (see paragraph [0021-0022]). On the other hand, McCulligh teaches automatically generate the acceptance password change data when there have been enough characters entered or, for example, where all characters that have been entered conform to the configured rule data (column 4, lines 48-56 of McCulligh).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, according to the

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explanation above, the combination of teaching between Schneider and McCuligh teaches the claimed subject matter. Thus, the combination of teaching between Schneider and McCuligh is efficient and proper.

Applicant has further argues that:

Serpa does not teach or suggest, alone or in combination with the other references, "receiving of a user selection of one of said poems and generating a password having a similar rhyme and meter as the selected poem" as set forth in claim 17.

Examiner respectfully disagrees with the applicant and still maintains that:

Although Schneider teaches a method for generating a password for a user using hint system (paragraph [0020-0021] of Schneider), Schneider is silent (if indeed is not inherent) on the capability wherein said selected hint is a poem, which could have been included in Figures 2-4 of Schneider, and said generated password has a similar rhyme and meter as said selected poem. On the other hand, Serpa teaches **the pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password (emphasis added)**. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password (**column 4, lines 40-49 of Serpa**).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, according to the explanation above, the combination of teaching between Schneider and Serpa teaches

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the claimed subject matter. Thus, the combination of teaching between Schneider and Serpin is efficient and proper.

Applicant has further argues that:

Serpa does not teach or suggest, alone or in combination with the other references, "receiving of a user selection of a joke and generating a password including variations of one or more variable words" as set forth in claim 18.

Examiner respectfully disagrees with the applicant and still maintains that:

Although Schneider teaches a method for generating a password for a user using hint system (paragraph [0020-0021] of Schneider), Schneider is silent (if indeed is not inherent) on the capability wherein said selected hint is a joke, which could have been included in Figures 2-4 of Schneider, and said generated password including variations of one or more variable words. On the other hand, Serpa teaches **the pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters (e.g., words), numbers, or symbols comprising the password (emphasis added)**. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password (**column 4, lines 40-49 of Serpa**). Furthermore the instant specification discloses that the selected hint is based on may include **poems, songs, jokes, pictures or words (see instant specification's summary)**, wherein Serpa does teach password generated as part of letters (e.g., words), numbers, or symbols, which is one of the elements mentioned above from the group consisted of poems, songs, jokes, pictures or words as set forth in claim 18.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

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Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, according to the explanation above, the combination of teaching between Schneider and Serpin teaches the claimed subject matter. Thus, the combination of teaching between Schneider and Serpin is efficient and proper.

The fact that Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-7, 10-16, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider(US 2004/0250138 A1), and further in view of McCulligh (US 6,643,784 B1).

a. Referring to claim 1:

i. Schneider teaches a method for generating a password for a user (paragraph [0020-0021] of Schneider), comprising:

(1) presenting said user with a plurality of hints (**Figures 2-4 show the plurality of hints, such as an image of a tree 201, a person 202, a beachball 203 and a car 204, and paragraph [0021] of Schneider**);

(2) receiving a user selection of one of said hints; automatically generating a password based on said selected hint, wherein said password is not the same as said selected hint (**Figures 2-4 and paragraph [0021-0022] of Schneider, wherein user creates password based on images, such as tree or beachball shown in Figure 2 or a sandwich, a banana, an apple, and a softdrink as shown in Figure 4, the password will be automatically generated after user finished selecting the images for their password**); and

(3) presenting said selected hint to said user to reinforce said generated password **(Figures 2-4 and paragraph [0021-0022] of Schneider, wherein the selection of the beachball, picnic basket and sandwich in Figures 2-4 would represent the user's password).**

ii. Although Schneider teaches a method for generating a password for a user (paragraph [0020-0021] of Schneider), Schneider is not clearly shown that the password gets generated automatically based on selected hint or image. Schneider does imply the password will create based on user's selected image (see paragraph [0021-0022]). On the other hand, McCulligh teaches automatically generate the acceptance password change data when there have been enough characters entered or, for example, where all characters that have been entered conform to the configured rule data (column 4, lines 48-56 of McCulligh).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Schneider with the teaching of McCulligh (if indeed is not inherent in Schneider) for facilitating initial entry during password selection and generation that employ feedback as to whether or not a password has been properly initially entered or generated **(column 1, lines 9-11 of McCulligh).**

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Schneider with the teaching of McCulligh (if indeed is not inherent in Schneider) to overcomes the problem of the difficulty of memorizing many different passwords **(last sentence, paragraph [0007] of Schneider).**

b. Referring to claim 2:

i. Schneider further teaches:

(1) wherein said plurality of hints include one or more of textual, audio or visual hints **(Figures 2-4, such as beachball, picnic basket and sandwich of Schneider).**

c. Referring to claim 3:

i. Schneider further teaches:

(1) wherein said plurality of hints include one or more of poems, songs, jokes, pictures or words (**Figures 2-4, such as beachball, picnic basket and sandwich of Schneider**).

d. Referring to claim 4:

i. Schneider further teaches:

(1) wherein said generated password is further based on a user input (**Figures 2-4 and paragraph [0021-0022] of Schneider, wherein user creates password based on images, such as tree or beachball shown in Figure 2 or a sandwich, a banana, an apple, and a softdrink as shown in Figure 4, the password will be automatically generated after user finished selecting the images for their password.**

e. Referring to claim 5:

i. Schneider further teaches:

(1) further comprising the step of presenting said selected hint and said generated password to said user at enrollment (**Figures 2-4 and paragraph [0021-0022] of Schneider, wherein within an ATM, the first time a user uses the system, he/she must set a password, wherein the selection of the beachball, picnic basket and sandwich in Figures 2-4 would represent the user's password**).

f. Referring to claim 6:

i. Schneider further teaches:

(1) further comprising the step of sending said selected hint to said user as a reinforcement of said generated password (**Figures 2-4 and paragraph [0021-0022] of Schneider, wherein the selection of the beachball, picnic basket and sandwich in Figures 2-4 would represent the user's password**).

g. Referring to claim 7:

i. Schneider further teaches:

(1) further comprising the step of recording said selected hint and said generated password in a record associated with said user (**paragraph [0022] of Schneider, wherein Figure 1 shows the values in the Scene Registers 103, 104 and 105 would then be passed via an Interface Box 106 to a computer system at the bank so that the bank's computer system could now store this password for this user).**

h. Referring to claims 13-16:

i. These claims have limitations that are similar to those of claims 2-3, thus they are rejected with the same rationale applied against claims 2-3 above.

i. Referring to claim 27:

i. This claim consist a apparatus for generating a password for a user to implement claim 1, thus it is rejected with the same rationale applied against claim 1 above.

ii. Schneider further teaches:

(1) a memory; and at least one processor, coupled to the memory [**i.e., Figure 1, elements 102 and 107**].

j. Referring to claims 28-29:

i. These claims have limitations that is similar to those of claim 2, thus they are rejected with the same rationale applied against claim 2 above.

k. Referring to claim 30:

i. This claim has limitations that is similar to those of claim 4, thus it is rejected with the same rationale applied against claim 4 above.

l. Referring to claim 31:

i. This claim has limitations that is similar to those of claim 5, thus it is rejected with the same rationale applied against claim 5 above.

m. Referring to claim 32:

i. This claim has limitations that is similar to those of claim 6, thus it is rejected with the same rationale applied against claim 6 above.

n. Referring to claim 33:

i. This claim has limitations that is similar to those of claim 7, thus it is rejected with the same rationale applied against claim 7 above.

o. Referring to claim 10:

i. Although Schneider teaches a method for generating a password for a user using hint system (paragraph [0020-0021] of Schneider), Schneider is silent (if indeed is not inherent) on the capability of using hints as a plurality of words. On the other hand, McCulligh teaches:

(1) wherein said plurality of hints includes a plurality of words and said generated password is based on a subset of said words selected by said user **(column 7, lines 23-33 of McCulligh)**.

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Schneider with the teaching of McCulligh (if indeed is not inherent in Schneider) for facilitating initial entry during password selection and generation that employ feedback as to whether or not a password has been properly initially entered or generated **(column 1, lines 9-11 of McCulligh)**.

iii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Schneider with the teaching of McCulligh (if indeed is not inherent in Schneider) to overcomes the problem of the difficulty of memorizing many different passwords **(last sentence, paragraph [0007] of Schneider)**.

p. Referring to claim 11:

i. This claim has limitation that is similar to those of claims 2-3, thus they are rejected with the same rationale applied against claims 2-3 above.

q. Referring to claim 12:

i. This claim has limitations that are similar to those of claim 10, thus it is rejected with the same rationale applied against claim 10 above.

5. Claims 8-9, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (US 2004/0250138 A1), and further in view of Serpa (US 6,954,862 B2).

a. Referring to claim 8:

i. Although Schneider teaches a method for generating a password for a user using hint system (paragraph [0020-0021] of Schneider), Schneider is silent (if indeed is not inherent) on the capability wherein said selected hint is a poem, which could have been included in Figures 2-4 of Schneider, and said generated password has a similar rhyme and meter as said selected poem. On the other hand, Serpa teaches:

(1) The pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password **(column 4, lines 40-49 of Serpa)**.

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Schneider with the teaching of Serpa (if indeed is not inherent in Schneider) to increase the security

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afforded by passwords and to make them easier to use (**column 2, lines 24-26 of Serpa**).

iii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Schneider with the teaching of Serpa (if indeed is not inherent in Schneider) to overcome the problem of the difficulty of memorizing many different passwords (**last sentence, paragraph [0007] of Schneider**).

b. Referring to claim 9:

i. Although Schneider teaches a method for generating a password for a user using hint system (paragraph [0020-0021] of Schneider), Schneider is silent (if indeed is not inherent) on the capability wherein said plurality of hints includes a plurality of jokes, which could have been included in Figures 2-4 of Schneider, each containing one of a number of different variations for one or more variable words or phrases included in each joke and said generated password includes said variations for said one or more variable words or phrases. On the other hand, Serpa teaches:

(1) The pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password (**column 4, lines 40-49 of Serpa**).

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

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(1) have modified the invention of Schneider with the teaching of Serpa (if indeed is not inherent in Moy) to increase the security afforded by passwords and to make them easier to use (**column 2, lines 24-26 of Serpa**).

iii. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Schneider with the teaching of Serpa (if indeed is not inherent in Schneider) to overcome the problem of the difficulty of memorizing many different passwords (**last sentence, paragraph [0007] of Schneider**).

c. Referring to claims 17-18:

i. These claims have limitations that is similar to those of claims 1 and 8-9, thus they are rejected with the same rationale applied against claims 1 and 8-9 above.

Conclusion

6. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached at 571-272-3787. The fax and

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phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/

Examiner, Art Unit 2438

January 1, 2010